



Myths and Facts

GENERAL

MYTH

NSPS does nothing to help with national security.

FACT

Not true. The mission of DoD is national security, and civilians play a vital role in supporting that mission. NSPS provides the Department the tools necessary to recruit, retain, and manage the civilian workforce to accomplish our critical mission in a more effective and efficient manner. NSPS will also provide flexibilities so we can reduce our reliance on the military to perform jobs that civilians can and should perform, freeing up the military to perform its war fighting duties. NSPS is a mission-driven, performance-based system that motivates, recognizes, and rewards excellence, which will result in an overall improvement to mission effectiveness, and enhanced national security. This is critical in the global war on terrorism.

MYTH

Under NSPS, DoD civilians can be assigned anywhere in the world, even to a war zone, with little or no notice.

FACT

Currently DoD has the authority to reassign employees, including reassignment to overseas locations, when necessary to support the mission. We do this under today's system. This authority is unaffected by NSPS. One of the goals of NSPS is to reduce its reliance on military to perform jobs that could be performed by civilians.

BENEFITS

MYTH

I will lose my benefits under NSPS.

FACT

NSPS will not affect rules governing retirement benefits or eligibility, health and life insurance, leave, attendance, and other similar benefits.

MYTH

NSPS eliminates veterans' preference for reduction in force (RIF) and hiring.

FACT

NSPS preserves veterans' preference. DoD is committed to the principles of veterans' preference; under NSPS, veterans continue to receive preference for both hiring and RIF.

MYTH

Seniority and veterans' preference will no longer count in the event of a reduction in force (RIF).

FACT

Not true. Veterans' preference eligibles are still retained over employees without veterans' preference in RIF. Also, seniority continues to be a factor in RIF. However, because NSPS is a performance-based system, the proposed regulations give greater weight to performance in RIF retention by placing performance ahead of length of service. Employees competing for retention under RIF who have the same performance ratings will be retained based on length of service.

MYTH

I will lose my job security and there will be layoffs.

FACT

No jobs will be eliminated because of NSPS. In fact, under NSPS there may be more opportunities for civilians as military positions are converted to civilian. By easing the administrative burden routinely required by the current system, managers will turn to civilians first when assigning vital tasks.

PAY

MYTH

I will lose pay under NSPS and I won't get credit for the time I've already spent waiting for my next within grade increase.

FACT

Employees will not lose pay upon conversion to NSPS. Employees will be converted into NSPS at their current salary. In many cases, employees will receive a salary increase equal to the amount they have earned towards their next within grade increase (this is known as the "WGI buy-in").

MYTH

There will be no locality pay under NSPS.

FACT

The proposed NSPS pay system includes a locality-based component of pay called a "local market supplement" that is paid in addition to an employee's basic pay. The local market supplement will be based on market conditions related to geographical and occupational factors, and may differ from one occupation to another in a given locality area. Employees will be entitled to increases to the local market supplement, unless they are performing at an unacceptable level.

MYTH

NSPS is just a way to freeze the pay of DoD civilians, since we're no longer entitled to the automatic January pay increase or within-grade increases.

FACT

The annual January pay increase, as we know it now, will change. The proposed pay rules provide for periodic “rate range” adjustments, to adjust the minimum and/or maximum rate of a pay band. When a minimum rate of a pay band is adjusted upward, employees will receive an equivalent increase. There are no “steps,” similar to the GS system, in a pay banding system. Instead, pay increases and/or performance bonuses are based primarily on your performance rating. Unacceptable performers are not eligible for pay increases under the proposed system.

MYTH

Under NSPS, funds for salaries and bonuses will no longer be certain.

FACT

DoD is committed to ensuring civilian compensation is protected. In fact, the law requires that the aggregate amount of money allocated for civilian compensation for organizations under NSPS cannot be less than the amount that would have been allocated under the existing system. Under NSPS, the overall amount of money that would have been used for the annual January pay adjustment, within grade increases, quality step increases, and similar payments, will be used for civilian pay, and those funds will be protected. However, the proposed NSPS pay system will distribute those funds based primarily on performance

MYTH

My supervisor will not be prepared and equipped to fairly and objectively rate my performance, and will not be held accountable for exercising his responsibility under NSPS.

FACT

Supervisors and managers will have an important role in determining performance-based pay increases. The flexibilities proposed in the NSPS regulations bring with them an increased need for accountability. This includes employee accountability for performance, as well as supervisory and managerial accountability for the proper exercise of the authorities of NSPS. Extensive training will be given to supervisors and managers, both military and civilian. Training will focus on improving skills needed for effective performance management: setting clear expectations; communicating with employees; and linking individual expectations to the goals and objectives of the organization. Supervisors and managers will be held accountable for how effectively they use the tools provided by NSPS. They will also be subject to the pay and performance provisions of the system, and their pay will be affected by how well they perform their duties as supervisors and managers.

LABOR-MANAGEMENT RELATIONS

MYTH

Unions have had no involvement in developing NSPS.

FACT

The proposed NSPS regulations are the product of a broad-based, collaborative effort across the Department that began in 2004. This included a number of meetings with employee

representatives involving extensive and fruitful discussions on potential options for the design of the system. In several areas, the proposed regulations reflect the interests and concerns that were voiced during those consultation sessions. We also held numerous focus groups and town hall meetings, many of which included local union involvement, to gather input and feedback on the system design. Now that we have published our proposed regulations, the next step in this process is to gather comments and recommendations on the proposed regulations, and engage in more discussions and dialogue with employee representatives as called for in the law authorizing NSPS.

MYTH

NSPS will do away with bargaining units and employee unions.

FACT

Not true. The implementation of the NSPS labor relations system *will not* eliminate unions or bargaining units. Employees will still be able to be represented by labor organizations and to bargain collectively. The proposed rules enable the Department to act expeditiously in carrying out its mission by limiting the situations that are subject to bargaining, and speeding up the bargaining process.

EMPLOYEE RIGHTS

MYTH

Employees will lose their fundamental rights to grieve or appeal unfair decisions or adverse actions.

FACT

NSPS does not change critical employee rights such as merit systems principles, due process, whistleblower protections, and protection against prohibited discrimination and personnel practices. There will continue to be avenues for employees to seek redress. For bargaining unit employees, negotiated grievance procedures will remain part of the process, and other employees will continue to have access to administrative grievance procedures, as well as formal appeals processes for adverse actions.

MYTH

Under NSPS, there is no process for employees to challenge their performance rating.

FACT

DoD is developing a process that will allow employees to request reconsideration of their rating to a higher authority. This process will apply to all employees under NSPS. Under current law, employees in the same organization are often subject to different procedures and avenues when

challenging performance ratings. This sometimes results in inconsistent decisions. Because of the importance of the performance rating process and its impact on pay, DoD will ensure that every employee has the same opportunity to seek appropriate redress.

MYTH

Under NSPS, there is no due process for employees affected by an adverse action.

FACT

Not true. The proposed regulations preserve due process rights for employees who are subject to an adverse action (e.g., removal, suspension of more than 14 days, reduction in pay or pay band level). In all such cases, employees continue to have the right to notice of proposed action, the right to reply, the right to representation, and the right to appeal that action. The rule changes proposed in the regulations seek to streamline this process so that workplace issues are resolved quickly, while ensuring due process, recognizing the need for workplace accountability, and providing efficient tools for dealing with performance and conduct issues.

MYTH

The proposed appeal system is not an impartial process.

FACT

Under NSPS, employees retain the right to appeal to a third party in adverse action cases. The proposed regulations retain Merit Systems Protection Board (MSPB) administrative judges as the initial adjudicators of employee appeals of adverse actions. Although the proposed regulations provide for a Departmental review of those initial administrative judge decisions, employees retain the right to appeal to the full MSPB to review a final Department decision.
